



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 23, 2011

House Amendment 1436

PAG LIN

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1 1          Amend the amendment, H=1435, to Senate File 130, as
1 2 passed by the Senate, as follows:
1 3 #1.  Page 1, by striking lines 19 and 20 and
1 4 inserting:
1 5 #&lt;2.  Title page, line 1, by striking <relating
1 6 to raccoon hunting> and inserting <allowing the
1 7 establishment of an open season for hunting mourning
1 8 doves>>
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ARNOLD of Lucas
H1435.1920 (4) 84
av/sc



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House Amendment 1437

PAG LIN

1 1 Amend House File 473 as follows:

1 2 #1. Page 1, before line 1 by inserting:

1 3 <Section 1. Section 8A.311, subsection 15, Code
1 4 2011, is amended to read as follows:

1 5 15. a. A bidder ~~awarded~~, to be considered for an
1 6 award of a state construction contract, shall disclose
1 7 to the state agency awarding the contract the names of
1 8 all subcontractors and suppliers, who will work on the
1 9 project being bid, within forty-eight hours after the
1 10 ~~award of the contract~~ published date and time by which
1 11 bids must be submitted.

1 12 b. A bidder shall not replace a subcontractor or
1 13 supplier disclosed under paragraph "a" without the
1 14 written approval of the state agency awarding the
1 15 contract.

1 16 c. A bidder, prior to award or who is awarded a
1 17 state construction contract, shall disclose all of the
1 18 following, as applicable:

1 19 (1) If a subcontractor ~~named~~ or supplier disclosed
1 20 under paragraph "a" by a bidder ~~awarded a state~~
1 21 ~~construction contract~~ is replaced, ~~or if the reason for~~
1 22 the replacement and the name of the new subcontractor
1 23 or supplier.

1 24 (2) If the cost of work to be done by a
1 25 subcontractor or supplier is ~~reduced~~, ~~the bidder shall~~
1 26 ~~disclose the name of the new subcontractor or changed~~
1 27 ~~or if the replacement of a subcontractor or supplier~~
1 28 results in a change in the cost, the amount of the
1 29 reduced change in cost.>

1 30 #2. By renumbering as necessary.

THOMAS of Clayton
HF473.1918 (2) 84
je/rj



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House Amendment 1438

PAG LIN

1 1 Amend the amendment, H=1391, to House File 643 as
1 2 follows:
1 3 #1. Page 2, after line 34 by inserting:
1 4 <____. Page 10, after line 9 by inserting:
1 5 <Sec. _____. QUARTERLY REPORT. The department of
1 6 agriculture and land stewardship and the department
1 7 of natural resources shall prepare and submit a joint
1 8 report to the governor and general assembly on a
1 9 quarterly basis regarding the progress of the transfer
1 10 of employees, powers, and duties to the department
1 11 of agriculture and land stewardship as provided in
1 12 sections 455B.193 through 455B.195, as amended by this
1 13 Act. The departments shall also publish each report
1 14 on their internet websites. The report shall identify
1 15 and itemize all savings achieved as well as all costs
1 16 incurred by the departments in this process. >>
1 17 #2. By renumbering as necessary.

LENSING of Johnson
H1391.1926 (1) 84
da/nh



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House Amendment 1439

PAG LIN

1 1 Amend the amendment, H=1391, to House File 643 as
1 2 follows:
1 3 #1. Page 2, after line 34 by inserting:
1 4 <____. Page 10, after line 9 by inserting:
1 5 <Sec. _____. ASSURANCE. The department of natural
1 6 resources and the department of agriculture and land
1 7 stewardship shall assure that during the transition
1 8 period no break shall occur in data collection or
1 9 monitoring or contracts related to programs transferred
1 10 by this Act. >>
1 11 #2. By renumbering as necessary.

LENSING of Johnson
H1391.1923 (2) 84
da/nh



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House Amendment 1440

PAG LIN

1 1 Amend the amendment, H=1380, to House File 590 as
1 2 follows:
1 3 #1. Page 1, line 31, after <program.> by inserting
1 4 <The information provided pursuant to this paragraph
1 5 shall include but not be limited to the number of
1 6 workers trained or educated; the median hourly wage
1 7 of workers trained or educated and the percentage of
1 8 workers for whom employer=paid health benefits are
1 9 provided; the number of workers continuing to work for
1 10 the employer for which they were trained twelve months
1 11 following the completion of the training; the number
1 12 of disadvantaged workers trained or educated as part
1 13 of each agreement; and identification of the portable
1 14 skills developed as part of each agreement.
1 15 (1) For purposes of this paragraph, "disadvantaged
1 16 worker" means a resident of Iowa who is a member of an
1 17 underserved population, including any of the following:
1 18 (a) Persons with an adjusted gross income of twenty
1 19 thousand dollars or less in the preceding tax year.
1 20 (b) Women, persons with disabilities, and minority
1 21 persons.
1 22 (c) Persons who are fifty years of age or older.
1 23 (d) Persons convicted of a crime who are reentering
1 24 society after being released from incarceration or who
1 25 have not been employed with an adjusted gross income of
1 26 twenty thousand dollars or more since being released
1 27 from incarceration.
1 28 (2) For purposes of this paragraph a portable
1 29 skill is a skill not unique to the employer for which
1 30 training was provided and which has been identified by
1 31 the department of workforce development as a worker
1 32 skill needed by employers in more than one industry.>
1 33 #2. By renumbering as necessary.

ISENHART of Dubuque
H1380.1927 (2) 84
tw/sc



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House Amendment 1441

PAG LIN

1 1 Amend the amendment, H=1391, to House File 643 as
1 2 follows:
1 3 #1. Page 2, after line 34 by inserting:
1 4 <____. Page 10, after line 9 by inserting:
1 5 <Sec. ____ EMPLOYEE RETENTION. The department
1 6 of agriculture and land stewardship shall assure in
1 7 the transfer of employees, powers, and duties to the
1 8 department as provided in sections 455B.193 through
1 9 455B.195, as amended by this Act, that no affected
1 10 employee shall be terminated or have work hours
1 11 reduced. >>
1 12 #2. By renumbering as necessary.

WESSEL=KROESCHELL of Story
H1391.1928 (2) 84
da/nh



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House Amendment 1442

PAG LIN

1 1 Amend House File 590 as follows:
1 2 #1. Page 17, before line 9 by inserting:
1 3 <Sec. _____. NEW SECTION. 15.106E Review of
1 4 authority operations.
1 5 Commencing July 1, 2014, the general assembly
1 6 shall conduct a review of the authority and its
1 7 activities and shall issue a report with findings and
1 8 recommendations by January 1, 2015.>

RUNNING=MARQUARDT of Linn
HF590.1909 (1) 84
tw/sc



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House Amendment 1443

PAG LIN

1 1 Amend the amendment, H=1435, to Senate File 130, as
1 2 passed by the Senate, as follows:
1 3 #1. Page 1, by striking lines 3 through 20 and
1 4 inserting:
1 5 #<1. By striking everything after the enacting
1 6 clause and inserting:
1 7 <Section 1. NEW SECTION. 1E.1 State birds.
1 8 1. The Eastern goldfinch and the mourning dove are
1 9 designated and shall be officially known as the state
1 10 birds of Iowa.
1 11 2. The director of the department of cultural
1 12 affairs shall obtain appropriate pictures and other
1 13 representations of the Eastern goldfinch and the
1 14 mourning dove and shall display the pictures and
1 15 representations in an appropriate place in the state
1 16 historical museum.
1 17 3. The editor of the Iowa official register shall
1 18 include appropriate pictures of and commentary on the
1 19 Eastern goldfinch and the mourning dove in the Iowa
1 20 official register, along with pictures of the state
1 21 rock, state flower, and state tree. >>
1 22 #2. Title page, line 1, by striking <relating to
1 23 raccoon hunting> and inserting <designating the Eastern
1 24 goldfinch and the mourning dove as the state birds>

BERRY of Black Hawk
H1435.1936 (1) 84
av/sc



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House Amendment 1444

PAG LIN

1 1 Amend the amendment, H=1435, to Senate File 130, as
1 2 passed by the Senate, as follows:
1 3 #1. Page 1, line 18, after <and 481A.39.> by
1 4 inserting <If an open season on mourning doves
1 5 is established by the commission pursuant to this
1 6 subsection, the commission shall specify that mourning
1 7 doves shall only be taken by a person with a firearm
1 8 using nontoxic shot.>

WOLFE of Clinton
H1435.1942 (2) 84
av/sc



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House Amendment 1445

PAG LIN

1 1 Amend the amendment, H=1435, to Senate File 130, as
1 2 passed by the Senate, as follows:
1 3 #1. Page 1, line 18, after <and 481A.39.> by
1 4 inserting <If an open season on mourning doves is
1 5 established by the commission, the open season shall
1 6 be effective in a county only if the open season has
1 7 been approved by the county board of supervisors, upon
1 8 recommendation of the county conservation board.>

ISENHART of Dubuque
H1435.1951 (1) 84
av/sc



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House Amendment 1446

PAG LIN

1	1	Amend the amendment, H=1435, to Senate File 130, as
1	2	passed by the Senate, as follows:
1	3	#1. Page 1, line 18, after <and 481A.39.> by
1	4	inserting <If an open season on mourning doves is
1	5	established by the commission, the commission shall
1	6	prohibit the hunting of mourning doves within one mile
1	7	of any residence.>

MASCHER of Johnson
H1435.1955 (1) 84
av/sc



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House Amendment 1447

PAG LIN

1 1 Amend the amendment, H=1435, to Senate File 130, as
1 2 passed by the Senate, as follows:
1 3 #1. Page 1, line 18, after <and 481A.39.> by
1 4 inserting <If an open season on mourning doves is
1 5 established by the commission, the commission shall
1 6 prohibit the hunting of mourning doves within one
1 7 hundred yards of any land upon which crops have been
1 8 grown within the previous ninety days.>

MASCHER of Johnson
H1435.1953 (1) 84
av/sc



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House Amendment 1448

PAG LIN

1 1 Amend the amendment, H=1435, to Senate File 130, as
1 2 passed by the Senate, as follows:
1 3 #1. Page 1, line 18, after <and 481A.39.> by
1 4 inserting <The commission shall undertake a five=year
1 5 study of the population of mourning doves in the state
1 6 prior to establishing a season for mourning doves.>

MASCHER of Johnson
H1435.1949 (2) 84
av/sc



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House Amendment 1449

PAG LIN

1 1 Amend House File 267, as passed by the House, as
1 2 follows:
1 3 #1. By striking everything after the enacting clause
1 4 and inserting:
1 5 <Section 1. Section 303.2, subsection 2, paragraph
1 6 c, Code 2011, is amended to read as follows:
1 7 c. Develop standards and criteria for the
1 8 acquisition of historic properties and for the
1 9 preservation, restoration, maintenance, operation, and
1 10 interpretation of properties under the jurisdiction
1 11 of the division. The administrator of the division
1 12 shall serve as the state historic preservation
1 13 officer, certified by the governor, pursuant to federal
1 14 requirements. The recommendations and decisions of the
1 15 state historic preservation officer shall be subject to
1 16 the review and approval of the director.
1 17 Sec. 2. NEW SECTION. 303.19A Effort required of
1 18 rural electric cooperatives receiving federal funding to
1 19 identify historic properties.
1 20 1. The state historic preservation officer shall
1 21 only recommend that a rural electric cooperative
1 22 constructing electric distribution and transmission
1 23 facilities for which it is receiving federal funding
1 24 conduct an archeological site survey of its proposed
1 25 route when, based upon a review of existing information
1 26 on historic properties within the area of potential
1 27 effects of the construction, the state historic
1 28 preservation officer has determined that a historic
1 29 property, as defined by the federal National Historic
1 30 Preservation Act of 1966, as amended, is likely to
1 31 exist within the proposed route.
1 32 2. The state historic preservation officer shall
1 33 not require a level of archeological identification
1 34 effort which is greater than the reasonable and good
1 35 faith effort required by the federal agency. Such
1 36 effort shall reflect the public interest and shall take
1 37 into account the likelihood and magnitude of potential
1 38 impacts to historic properties and project costs.
1 39 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being
1 40 deemed of immediate importance, takes effect upon
1 41 enactment.>
1 42 #2. Title page, line 1, after <to> by inserting
1 43 <the historical division of the department of cultural
1 44 affairs, including>
1 45 #3. Title page, line 2, after <cooperatives> by
1 46 inserting <and including effective date provisions>
HF267.1856.S (2) 84



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House Amendment 1450

PAG LIN

1 1 Amend the amendment, H=1435, to Senate File 130, as
1 2 passed by the Senate, as follows:
1 3 #1. Page 1, line 18, after <and 481A.39.> by
1 4 inserting <If an open season on mourning doves is
1 5 established by the commission, a person hunting
1 6 mourning doves shall pay the migratory game bird fee as
1 7 provided in section 483A.1.>
1 8 #2. Page 1, after line 18 by inserting:
1 9 <Sec. _____. Section 484A.1, subsection 2, Code 2011,
1 10 is amended to read as follows:
1 11 2. "Migratory game bird" means any wild goose,
1 12 brant, wild duck, snipe, rail, woodcock, mourning dove,
1 13 or coot.>
1 14 #3. Page 1, after line 20 by inserting:
1 15 <_____. Title page, line 1, after <hunting> by
1 16 inserting <and providing fees>>
1 17 #4. By renumbering as necessary.

HALL of Woodbury
H1435.1968 (2) 84
av/sc



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House Amendment 1451

PAG LIN

1 1 Amend House File 649 as follows:
1 2 #1. Page 75, after line 23 by inserting:
1 3 <Sec. _____. DECATEGORYIZATION PROJECT FUNDING. For
1 4 the period beginning June 1, 2010, and ending June
1 5 30, 2012, a child welfare and juvenile justice
1 6 funding decategorization initiative project that is
1 7 incorporated and owns real property may utilize project
1 8 funding to purchase liability insurance.>
1 9 #2. Page 75, after line 26 by inserting:
1 10 <Sec. _____. RETROACTIVE APPLICABILITY. The
1 11 section of this division of this Act addressing child
1 12 welfare and juvenile justice funding decategorization
1 13 initiative project funding for the period beginning
1 14 June 1, 2010, and ending June 30, 2012, applies
1 15 retroactively to June 1, 2010.>
1 16 #3. By renumbering as necessary.

PETTENGILL of Benton

DE BOEF of Keokuk
HF649.1881 (1) 84
jp/pf



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House Amendment 1452

PAG LIN

1 1 Amend Senate File 406, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 24, line 13, by striking <apart from
1 4 commissions paid by an insurer>

PETTENGILL of Benton
SF406.1937 (1) 84
av/sc



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House Amendment 1453

PAG LIN

1 1 Amend Senate File 406, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 2, after line 34 by inserting:
1 4 <Sec. _____. Section 505.19, subsection 2, Code 2011,
1 5 is amended to read as follows:
1 6 2. The commissioner shall hold a public hearing at
1 7 the time a carrier files for proposed health insurance
1 8 rate increases exceeding the average annual health
1 9 spending growth rate as provided in subsection 1,
1 10 in each congressional district in which the carrier
1 11 has policyholders that are affected by the proposed
1 12 rate increases, prior to approval or disapproval of
1 13 the proposed rate increases for that carrier by the
1 14 commissioner.>
1 15 #2. By renumbering as necessary.

PETERSEN of Polk

KAJTAZOVIC of Black Hawk
SF406.1958 (2) 84
av/sc



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House Amendment 1454

PAG LIN

1 1 Amend Senate File 205, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 16, after line 22 by inserting:
1 4 <DIVISION iii
1 5 RAILROAD CLEARANCES AND SAFE SPACES
1 6 Sec. _____. NEW SECTION. 327F.10 Minimum clear space
1 7 requirements for bridges, structures, poles, and other
1 8 obstructions.
1 9 1. Overhead clearances.
1 10 a. The minimum overhead clearance above a railroad
1 11 track that is used or proposed to be used for
1 12 transporting freight cars shall be twenty-two feet,
1 13 except as otherwise provided in this subsection.
1 14 b. The overhead clearance above the top rail of
1 15 tracks located at the entrance to or inside a building
1 16 may be less than twenty-two feet but not less than
1 17 eighteen feet. However, if an overhead clearance of
1 18 less than twenty-two feet exists above tracks inside a
1 19 building, the movement of railway equipment shall be
1 20 brought to a stop before entering the building. In
1 21 switching movements requiring a number of entries,
1 22 stopping is required only upon initial entry.
1 23 c. This subsection does not apply to electric wires
1 24 or equipment required above tracks for the operation
1 25 of trains by electric energy, provided that a carrier
1 26 that conducts such an operation adopts and enforces
1 27 rules which prohibit an employee from being on top of a
1 28 rail car while the car is being operated under lower
1 29 clearances than those provided in this subsection.
1 30 d. The overhead clearances provided in this
1 31 subsection do not apply to engine houses, engine house
1 32 facilities, tipples, or facilities used for servicing
1 33 rail cars or for loading or unloading bulk commodities
1 34 if compliance is not reasonably practicable.
1 35 e. The department of transportation may waive
1 36 the requirements of this subsection for structures
1 37 constructed before January 1, 2012, if the waiver
1 38 will not adversely affect the safety of the public or
1 39 employees of the railroad.
1 40 2. Side clearances.
1 41 a. The minimum side clearance from the center line
1 42 of tangent railroad tracks that are used or proposed
1 43 to be used for transporting freight cars shall conform
1 44 with the requirements of this subsection, except that
1 45 structures, including platforms and tracks, constructed
1 46 or under construction prior to January 1, 2012, may be
1 47 maintained at clearances existing prior to that date,
1 48 and may be extended at existing clearances unless such
1 49 an extension is in connection with reconstruction of
1 50 the original platform.



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House Amendment 1454 continued

- 2 1 b. The minimum side clearance between the center
2 2 line of the track and any structure or obstruction
2 3 above the top of the rail, except structures or
2 4 obstructions specifically exempted under this
2 5 subsection, shall be twelve feet.
- 2 6 c. (1) A platform that is four feet or less above
2 7 the top of the rail, except a platform adjacent to main
2 8 or passing tracks, may be less than eight feet six
2 9 inches from the center line of the track on one side
2 10 of such track if a full clearance of at least eight
2 11 feet six inches is maintained on the opposite side of
2 12 the track or the distance from the center of the track
2 13 to the center of the adjacent track is not less than
2 14 fourteen feet.
- 2 15 (2) A platform that is four feet six inches or less
2 16 above the top of the rail, if used principally for
2 17 loading or unloading refrigerator cars, shall not be
2 18 less than eight feet from the center line of the track.
- 2 19 (3) A low passenger platform that is eight inches
2 20 or less above the top rail shall not be less than five
2 21 feet one inch from the center line of the track. A
2 22 high passenger platform that is four feet or less above
2 23 the top rail shall not be less than five feet seven
2 24 inches from the center line of the track.
- 2 25 (4) Platforms constructed before January 1,
2 26 2012, with less than the clearances prescribed in
2 27 this paragraph "c" may be extended at such lesser
2 28 clearances unless the extension is in connection with
2 29 reconstruction of the original platform.
- 2 30 d. The side clearance, other than for platforms, on
2 31 sidings only, at an entrance to a building or inside
2 32 a building shall not be less than eight feet from the
2 33 center line of the track.
- 2 34 e. Switchboxes, switch=operating mechanisms, and
2 35 accessories necessary for the control or operation of
2 36 signals or interlockers projecting four inches or less
2 37 above the top rail shall not be less than three feet
2 38 from the center line of the track.
- 2 39 f. The center spindle of signal and switch stands
2 40 three feet or less above the top of the rail and
2 41 located between tracks, if not practicable to provide
2 42 the clearances otherwise prescribed in this subsection,
2 43 shall not be less than six feet from the center line
2 44 of the track.
- 2 45 g. Through bridges supporting affected track,
2 46 tunnels, water columns, or oil columns shall not be
2 47 less than eight feet from the center line of the track,
2 48 except where special protection is required for unusual
2 49 commodities.
- 2 50 h. (1) The clearance for through bridges



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3 1 supporting affected track, water barrel platforms or
3 2 refuge platforms on bridges or trestles not provided
3 3 with walkways, handrails, water barrels, water columns,
3 4 block signals, cattle guards, and stock chutes, if all
3 5 or portions thereof are four feet or less above the top
3 6 of the rail, may be decreased to the extent defined
3 7 by a line extending diagonally upward from a point
3 8 level with the top of the rail and five feet distant
3 9 laterally from the center line of the track to a point
3 10 four feet above the top of the rail and eight feet
3 11 distant laterally from the center line of the track.
3 12 However, the minimum clearance for handrails or water
3 13 barrels on bridges with walkways shall be seven feet
3 14 nine inches, and the minimum clearance for fences for
3 15 cattle guards shall be six feet nine inches.
3 16 (2) The lesser clearances authorized in
3 17 subparagraph (1) for handrails and water barrels do not
3 18 apply to through bridges if the work of train workers
3 19 or yard workers requires the workers to be on the
3 20 decks of such bridges for the purpose of coupling or
3 21 uncoupling cars in the performance of switching service
3 22 on a switching lead.
3 23 i. The side clearances specified in this subsection
3 24 do not apply to mail cranes when the arms of the mail
3 25 cranes are supporting mail sacks for delivery, if the
3 26 top arm is not higher than ten feet eight inches above
3 27 the top of the rail and neither arm extends within six
3 28 feet five inches from the center line of the track.
3 29 j. Icing platforms and supports shall have a
3 30 minimum side clearance of eight feet. Except in
3 31 emergencies, operations over portions of track adjacent
3 32 to icing platforms constructed before January 1, 2012,
3 33 with a side clearance of less than eight feet shall
3 34 be restricted to the movement or switching of trains
3 35 containing refrigerator cars to be iced and to the
3 36 necessary use of such tracks for the unloading of
3 37 supplies required for the operation of an icing dock.
3 38 k. The side clearances specified in this section do
3 39 not apply to the following:
3 40 (1) Intertrack fences located on the center line
3 41 between tracks.
3 42 (2) Engine houses, engine house facilities,
3 43 tipples, or facilities used for servicing rail cars or
3 44 for loading or unloading bulk commodities if compliance
3 45 is not reasonably practicable.
3 46 (3) Car retarders, derails, switch point
3 47 protectors, guardrails, and similar appurtenances
3 48 projecting three inches or less above the top of the
3 49 rail.
3 50 1. The minimum side clearances prescribed in this



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4 1 subsection are for tangent tracks. Structures adjacent
4 2 to curve tracks shall have additional minimum side
4 3 clearances compensating for curvature.
4 4 3. Overhead and side clearances.
4 5 a. The overhead and side clearances prescribed in
4 6 subsections 1 and 2 may be decreased to the extent of a
4 7 line extending diagonally downward from a point four
4 8 feet from the center line of the track and twenty-two
4 9 feet above the top of the rail to a point eight feet
4 10 from the center line of the track and sixteen feet
4 11 above the top of the rail.
4 12 b. For tracks located at an entrance to or inside a
4 13 building with an overhead clearance of eighteen feet
4 14 and a side clearance of eight feet, as prescribed in
4 15 this section, the overhead and side clearances may be
4 16 decreased to the extent of a line extending diagonally
4 17 downward from a point four feet from the center line of
4 18 the track and eighteen feet above the top of the rail
4 19 to a point eight feet from the center line of the track
4 20 and fourteen feet above the top of the rail.
4 21 c. A canopy at one side of the track at a freight
4 22 platform may not be less than four feet from the center
4 23 line of the track if the height of the canopy is at
4 24 least seventeen feet six inches above the top of the
4 25 rail and if the full clearance of eight feet six inches
4 26 is maintained on the opposite side of the track or the
4 27 distance from the center of the track to the center of
4 28 the adjacent track is not less than fourteen feet.
4 29 d. A shelter over a platform used for passenger car
4 30 operation may not be less than four feet six inches
4 31 from the center line of the track if the height is
4 32 not less than fifteen feet above the top of the rail,
4 33 provided that a carrier that conducts such an operation
4 34 adopts and enforces rules which prohibit an employee
4 35 from riding on the side of equipment if standing above
4 36 car floor height.
4 37 4. Clearances between parallel tracks.
4 38 a. The minimum distance between the center lines
4 39 of parallel tracks shall be thirteen feet six inches
4 40 for main tracks and thirteen feet six inches for yard
4 41 and side tracks, except as otherwise provided in this
4 42 subsection.
4 43 b. The center line of any track except a main track
4 44 or a passing track, which is parallel and adjacent to a
4 45 main track or a passing track, shall be fifteen feet
4 46 from the center line of such main track or passing
4 47 track, except that if a passing track is adjacent to
4 48 and at least fifteen feet from the main track, such
4 49 other track may be constructed adjacent to the passing
4 50 track with a clearance of not less than thirteen feet



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5 1 six inches.
5 2 c. The center line of any ladder track which
5 3 is parallel to another adjacent track shall have a
5 4 clearance of not less than eighteen feet from the
5 5 center line of such other track, except that parallel
5 6 ladder tracks shall have a clearance of not less than
5 7 nineteen feet from center line to center line.
5 8 d. The minimum distance between the center line of
5 9 parallel team and house tracks shall be thirteen feet
5 10 six inches.
5 11 e. Tracks constructed or under construction prior
5 12 to January 1, 2012, may be extended without increasing
5 13 the distances between tracks.
5 14 5. Other conditions and obstructions adjacent to
5 15 tracks.
5 16 a. A railroad shall not knowingly permit
5 17 merchandise, material, or other articles to remain
5 18 piled or assembled on ground or platforms adjacent to
5 19 any track at a distance of less than eight feet six
5 20 inches from the center line of the track. A suitable
5 21 line or other marker may be maintained at a distance
5 22 of eight feet six inches from the center line of the
5 23 track on all platforms, excluding passenger platforms,
5 24 to indicate the space along the edge of the platform
5 25 which must be kept clear of merchandise, material, or
5 26 other articles.
5 27 b. The space between tracks ordinarily used by
5 28 train workers, yard workers, and other employees as a
5 29 walkway in the discharge of their duties, and the space
5 30 beside such tracks within eight feet six inches of the
5 31 center line of the tracks, shall be kept in reasonably
5 32 suitable condition for such purpose.
5 33 6. Preexisting clearances. Except as otherwise
5 34 provided in this section, if an overhead or side
5 35 clearance between a track and any building, structure,
5 36 or facility is less than the minimum prescribed in
5 37 this section but existed prior to January 1, 2012, the
5 38 minimum clearances prescribed by this section shall be
5 39 required when the building, structure, or facility is
5 40 relocated or reconstructed. However, the department
5 41 may grant specific requests for the continuance
5 42 of prior clearances at reconstructed buildings,
5 43 structures, or facilities as provided in subsection 7.
5 44 7. Waivers.
5 45 a. Nothing in this section shall be construed to
5 46 restrict the temporary distribution of materials or the
5 47 performance of work on, over, or adjacent to tracks if
5 48 the distribution or performance is necessary in the
5 49 construction or maintenance of facilities or equipment,
5 50 provided that the distribution or performance is



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6 1 carried out within a reasonable time under conditions
6 2 reasonably necessary to provide for the safety of all
6 3 concerned, including proper notice by train order,
6 4 message, or bulletin.

6 5 b. If, in any particular case, a waiver from any of
6 6 the requirements of this section is deemed necessary by
6 7 a carrier, the department, upon good cause shown, may
6 8 grant an application by the carrier for a waiver. The
6 9 request for the waiver shall be accompanied by a full
6 10 statement of conditions existing and the reason why the
6 11 waiver is necessary.

6 12 8. Application of terms. Wherever the terms
6 13 "railroad", "railroad track", "track", "building",
6 14 "entrance to or inside a building", "structure",
6 15 "facility", "platform", or other similar terms are used
6 16 in this section, the terms apply only to property owned
6 17 by or leased to a common carrier railroad.

6 18 9. Application of section. This section shall not
6 19 be construed as limiting the authority or jurisdiction
6 20 of the department of transportation.

6 21 Sec. _____. NEW SECTION. 327F.11 Safe space along
6 22 railroad rights-of-way.

6 23 1. For purposes of this section, "safe space" means
6 24 the area encompassed within the following distances:

6 25 a. From the actual grade level to a distance of
6 26 twenty-two feet six inches above the top of the rail
6 27 head.

6 28 b. A distance of eight feet six inches on both
6 29 sides of a perpendicular from the center line of a
6 30 railroad track with a radius of not less than four
6 31 hundred feet lateral curvature.

6 32 c. A distance of nine feet on both sides of a
6 33 perpendicular from the center line of a railroad track
6 34 with a radius of less than four hundred feet curvature.

6 35 2. A person shall not permit scrap iron, lumber,
6 36 debris, vegetation exceeding a height of four inches,
6 37 marked unevenness of terrain, or any other material or
6 38 condition which endangers a railroad employee to remain
6 39 or continue in the safe space over which the person has
6 40 control.

6 41 Sec. _____. NEW SECTION. 327F.12 Close clearance
6 42 warnings.

6 43 1. The owner of a railroad track shall place a
6 44 warning device at a location where the close clearance
6 45 between the track and a building, machinery, trees,
6 46 brush, or other object is such that the building,
6 47 machinery, trees, brush, or other object physically
6 48 impedes a person who is lawfully riding the side of a
6 49 train in the course of the person's duties in service
6 50 to a railroad company from clearing the building,



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7 1 machinery, trees, brush, or other object.
7 2 2. The warning device shall be placed in a location
7 3 which provides adequate notice to a person riding the
7 4 side of a train so that the person may prepare for
7 5 the close clearance. Any signs posted shall not be a
7 6 danger to other persons working on the property.
7 7 3. Placement of a warning device pursuant to this
7 8 section does not relieve the owner of a railroad track
7 9 from any duties required under chapter 317 or section
7 10 327F.27.
7 11 Sec. _____. Section 327F.13, Code 2011, is amended by
7 12 striking the section and inserting in lieu thereof the
7 13 following:
7 14 327F.13 Close clearances and safe spaces ====
7 15 enforcement.
7 16 1. Applicability of provisions. The provisions
7 17 of sections 327F.10, 327F.11, and 327F.12 apply to
7 18 matters under the purview of the state and enforceable
7 19 by the department of transportation. Sections 327F.10,
7 20 327F.11, and 327F.12 do not apply to the exercise of
7 21 authority which a federal agency has delegated to state
7 22 enforcement personnel under section 206 of the federal
7 23 Railroad Safety Act of 1970, 49 U.S.C. { 20106, or any
7 24 other regulation or requirement preempted by federal
7 25 law.
7 26 2. Emergency orders. If an inspector authorized by
7 27 the department determines through testing, inspection,
7 28 investigation, or research that a locomotive, car,
7 29 or other facility or equipment of a railroad is in a
7 30 condition that violates a law, regulation, or order
7 31 which the department is authorized to enforce, and the
7 32 condition is so hazardous as to present an imminent
7 33 danger or potential danger likely to result in injury
7 34 to a person, damage to property, or a breakdown of
7 35 equipment, the inspector shall declare such locomotive,
7 36 car, or other facility "out of service".
7 37 3. Action by inspector. When an inspector
7 38 authorized by the department declares a locomotive,
7 39 car, or other facility to be "out of service", the
7 40 inspector shall affix an "out of service" notice in
7 41 a prominent place on the locomotive, car, or other
7 42 facility. The affixing of an "out of service" notice
7 43 shall constitute legal notice that the locomotive,
7 44 car, or facility shall not be used or operated until
7 45 all defects noted on the "out of service" notice have
7 46 been repaired. Such notice shall not be removed until
7 47 the defects noted by the inspector have been corrected
7 48 by the railroad company and the locomotive, car, or
7 49 other facility is in full compliance with applicable
7 50 regulations. In the case of a track or other facility



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8 1 for which it is not practical to affix an "out of
8 2 service" notice, the inspector shall furnish immediate
8 3 telephone or telegraphic notification to the owner of
8 4 the track or facility in lieu of affixing an "out of
8 5 service" notice, describing the specific location of
8 6 the affected track or other facility, the nature of
8 7 the defect, and related conditions. When an "out of
8 8 service" notice has been affixed or the owner of the
8 9 track has been notified, the inspector shall furnish
8 10 notice by the most expeditious manner to the railroad
8 11 immediately responsible for the operation of the
8 12 defective locomotive, car, track, or other facility.
8 13 The notice shall indicate the nature of the defects
8 14 involved which caused the equipment or other facility
8 15 to be placed "out of service". The inspector shall
8 16 retain one copy of the notice and immediately forward
8 17 one copy of the notice to the department.

8 18 4. Reduction in maximum speed of track. When an
8 19 inspector authorized by the department determines
8 20 the existence of a hazardous local track condition,
8 21 the inspector shall furnish immediate telephone or
8 22 telegraphic notification to the owner of the track
8 23 that movements within defined limits of the track must
8 24 be made at a reduced maximum speed, which shall be
8 25 the speed applicable to the highest federal railroad
8 26 administration class designation that the inspector
8 27 determines is appropriate. Within forty-eight hours
8 28 following the notification, the inspector shall furnish
8 29 notice in duplicate to the owner of the track or to
8 30 the owner's agent immediately responsible for the
8 31 affected track. The notice shall indicate the full
8 32 particulars of the conditions and the violations which
8 33 create the local safety hazard. Such conditions or
8 34 violations shall be fully repaired or otherwise brought
8 35 into compliance with the highest federal railroad
8 36 administration designation applicable to the speed at
8 37 which trains will operate on the track in question.

8 38 5. Action by railroad. When a locomotive, car, or
8 39 other facility of a railroad has been declared "out of
8 40 service", the locomotive, car, or facility shall be
8 41 removed from service until the defect or defects are
8 42 corrected. In the case of track which is reduced in
8 43 class as provided in subsection 4, the railroad shall
8 44 take the steps necessary to insure compliance with the
8 45 findings of the inspector. For the purpose of making
8 46 necessary corrections, defective locomotive units,
8 47 freight cars, cabin cars, or passenger carrying cars
8 48 may be moved to the nearest available point where the
8 49 unit can be repaired, provided that other similar units
8 50 in suitable operating condition are also a part of the



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9 1 consist. When the defects noted on the notice have
9 2 been corrected, the railroad shall notify the inspector
9 3 issuing the notice and the inspector shall inspect the
9 4 locomotive, car, or other facility. If the repairs or
9 5 corrections have been satisfactorily completed, the
9 6 inspector shall remove the "out of service" notice.
9 7 6. Reinspection === review by department.
9 8 a. Upon issuance of an "out of service" notice,
9 9 the railroad involved may request a second inspection
9 10 of the locomotive, car, or other facility. An
9 11 engineer designated by the department shall arrange
9 12 for an immediate reinspection by a second authorized
9 13 inspector. If, on reinspection, the decision of
9 14 the original inspector is affirmed or modified by an
9 15 engineer designated by the department, the engineer
9 16 shall notify the railroad in writing that the original
9 17 finding is affirmed or modified. If the decision of
9 18 the original inspector is not affirmed or modified, the
9 19 inspector shall immediately remove the "out of service"
9 20 notice and enter an appropriate notation on the related
9 21 notice to the railroad, and the restrictions of the
9 22 notice shall cease to be effective.
9 23 b. If, upon reinspection, an engineer designated by
9 24 the department affirms or modifies the findings of the
9 25 original inspection, the railroad may, within thirty
9 26 days of the affirmation or modification, request the
9 27 department to conduct a hearing at which interested
9 28 parties may be present and testify for the purpose of
9 29 reviewing the inspections. As a result of the hearing,
9 30 the department may modify in whole or in part the
9 31 findings of the inspections and the actions taken by
9 32 the inspectors. Actions on review may be undertaken
9 33 on an expedited basis in relation to other business of
9 34 the department.
9 35 c. The requirements of an "out of service" notice
9 36 shall be effective pending action by the department.
9 37 d. Upon petition of a carrier based upon good
9 38 cause, the department may grant a request for an
9 39 extension of time for compliance with an "out of
9 40 service" notice issued or modified as provided under
9 41 this subsection.
9 42 7. Penalties.
9 43 a. A violation of section 327F.10, 327F.11, or
9 44 327F.12 is punishable as a schedule "one" penalty under
9 45 section 327C.5.
9 46 b. A violation of this section shall subject the
9 47 violator to such civil or criminal penalties as may be
9 48 provided by law.
9 49 c. Each day of noncompliance constitutes a separate
9 50 violation. If a locomotive or car which was properly



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10 1 equipped by a carrier subsequently becomes defective
10 2 or insecure while in use by the carrier, the car or
10 3 locomotive may be hauled as necessary from the place
10 4 where it is in use to the nearest available point
10 5 where the equipment can be repaired, and the penalties
10 6 imposed under this subsection shall not apply.
10 7 Sec. _____. RULES. The department of transportation
10 8 shall adopt rules it deems necessary to implement this
10 9 division of this Act.
10 10 Sec. _____. EFFECTIVE DATE. This division of this
10 11 Act takes effect January 1, 2012.>
10 12 #2. Title page, lines 3 and 4, by striking
10 13 <operations and provisions relating to> and inserting
10 14 <operations,>
10 15 #3. Title page, line 5, after <programs,> by
10 16 inserting <railroad clearances and safe spaces,>
10 17 #4. Title page, line 5, after <applicable> by
10 18 inserting <and including effective date provisions>
10 19 #5. By renumbering as necessary.

MURPHY of Dubuque
SF205.1913 (1) 84
dea/nh



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House File 651 - Introduced

HOUSE FILE
BY COMMITTEE ON
APPROPRIATIONS

(SUCCESSOR TO HF 463)
(SUCCESSOR TO HF 331)

A BILL FOR

1 An Act providing for a special civil war sesquicentennial motor
2 vehicle registration plate, establishing fees, and making an
3 appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2257HZ (1) 84
dea/nh



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House File 651 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.34, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 25. Civil war sesquicentennial plates.

1 4 a. An owner referred to in subsection 12, upon written
1 5 application to the department, may order special registration
1 6 plates with a civil war sesquicentennial processed emblem. The
1 7 emblem shall be designed by the department in consultation with
1 8 the Iowa civil war sesquicentennial advisory committee.

1 9 b. The special plate fees collected by the director under
1 10 subsection 12, paragraphs "a" and "c", from the issuance and
1 11 annual validation of letter=number designated and personalized
1 12 civil war sesquicentennial plates shall be paid monthly to the
1 13 treasurer of state and deposited in the road use tax fund. The
1 14 treasurer of state shall transfer monthly from the statutory
1 15 allocations fund created under section 321.145, subsection 2,
1 16 to the department of cultural affairs the amount of the special
1 17 fees collected under subsection 12, paragraph "a", in the
1 18 previous month for civil war sesquicentennial plates, and such
1 19 funds are appropriated to the department of cultural affairs to
1 20 be used for the Iowa battle flag project.

1 21 Sec. 2. Section 321.145, subsection 2, paragraph b,
1 22 subparagraph (3), Code 2011, is amended to read as follows:

1 23 (3) The amounts required to be transferred pursuant to
1 24 section 321.34 from revenues available under this subsection
1 25 shall be transferred and credited as provided in section
1 26 321.34, subsections 7, 10, 10A, 11, 11A, 11B, 13, 16, 17, 18,
1 27 19, 20, 20A, 20B, 21, 22, 23, ~~and~~ 24, and 25 for the various
1 28 purposes specified in those subsections.

1 29 EXPLANATION

1 30 This bill provides for the issuance of a special motor
1 31 vehicle registration plate honoring the sesquicentennial of the
1 32 civil war. The department of transportation, in consultation
1 33 with the Iowa civil war sesquicentennial advisory committee, is
1 34 required to design a processed emblem for the special plate.

1 35 Fees for the special civil war sesquicentennial plate will



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2 1 be the standard fees provided in current law for special
2 2 registration plates. The initial fee for issuance of special
2 3 plates is \$25. An applicant for personalized special plates
2 4 must pay a \$25 personalized plate fee in addition to the \$25
2 5 special plate fee. The renewal fee for special plates is
2 6 \$5 in addition to the regular annual registration fee for
2 7 the vehicle. For renewal of personalized special plates,
2 8 an additional \$5 personalized plate renewal fee applies in
2 9 addition to the \$5 special plate renewal fee and the annual
2 10 registration fee. All registration fees are deposited in the
2 11 road use tax fund.
2 12 The bill directs that an amount equal to \$25 from each civil
2 13 war sesquicentennial plate fee and \$5 from each renewal fee be
2 14 credited from the statutory allocations fund to the department
2 15 of cultural affairs. The fees are appropriated for purposes
2 16 of the Iowa battle flag project, which is administered by the
2 17 state historical society.

LSB 2257HZ (1) 84

dea/nh



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House File 652 - Introduced

HOUSE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO HF 141)

A BILL FOR

1 An Act providing an exemption from the computation of the
2 individual state income tax of all pay received for
3 active duty military service and including retroactive
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1110HV (1) 84
tw/sc



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House File 652 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.7, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 42A. Subtract, to the extent included,
1 4 all pay received by the taxpayer from the federal government
1 5 for military service performed while on active duty status in
1 6 the armed forces, the armed forces military reserve, or the
1 7 national guard.

1 8 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
1 9 retroactively to January 1, 2011, for tax years beginning on
1 10 or after that date.

1 11 EXPLANATION

1 12 This bill exempts from the individual income tax all pay
1 13 received by a taxpayer from the federal government for military
1 14 service performed while on active duty status in the armed
1 15 forces, the armed forces military reserve, or the national
1 16 guard.

1 17 The bill applies retroactively to January 1, 2011, for tax
1 18 years beginning on or after that date.

LSB 1110HV (1) 84

tw/sc



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House File 653 - Introduced

HOUSE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO HSB 215)

A BILL FOR

1 An Act relating to the assessment and taxation of qualifying
2 local exchange carrier property.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2041HV (3) 84
rn/sc



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House File 653 - Introduced continued

PAG LIN

1 1 Section 1. Section 433.4, Code 2011, is amended to read as
1 2 follows:
1 3 433.4 Assessment.
1 4 ~~The Except as otherwise provided in section 433.16, the~~
1 5 director of revenue shall on or before October 31 each year,
1 6 proceed to find the actual value of the property of these
1 7 companies in this state, taking into consideration the
1 8 information obtained from the statements required, and any
1 9 further information the director can obtain, using the same as
1 10 a means for determining the actual cash value of the property
1 11 of these companies within this state. The director shall
1 12 also take into consideration the valuation of all property
1 13 of these companies, including franchises and the use of the
1 14 property in connection with lines outside the state, and
1 15 making these deductions as may be necessary on account of
1 16 extra value of property outside the state as compared with
1 17 the value of property in the state, in order that the actual
1 18 cash value of the property of the company within this state
1 19 may be ascertained. The assessment shall include all property
1 20 of every kind and character whatsoever, real, personal, or
1 21 mixed, used by the companies in the transaction of telegraph
1 22 and telephone business; and the property so included in the
1 23 assessment shall not be taxed in any other manner than as
1 24 provided in this chapter.
1 25 Sec. 2. NEW SECTION. 433.16 Qualifying local exchange
1 26 carriers ==== assessment and taxation ==== exception.
1 27 1. For assessment years beginning on or after January
1 28 1, 2012, the property of qualifying local exchange carriers
1 29 shall be assessed for taxation according to subsections 2 and
1 30 3, exclusive of any other provision of this chapter. For
1 31 purposes of this section, "qualifying local exchange carriers"
1 32 means telecommunications companies that provide local exchange
1 33 service and have less than fifty thousand customer access lines
1 34 located in this state.
1 35 2. For valuations established on or after January 1, 2012,



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2 1 the local assessor shall determine the value of the land,
2 2 buildings, structures, and improvements of qualifying local
2 3 exchange carriers as commercial property pursuant to chapters
2 4 427, 427A, 427B, 428, and 441. All reporting, protest, and
2 5 appeal procedures for qualifying local exchange carriers shall
2 6 be determined according to those provisions.
2 7 3. Notwithstanding any other provision of this section
2 8 or chapter 427, 427A, 427B, 428, or 441 to the contrary,
2 9 telephone wires, fiber optic cables, electronics, and similar
2 10 items used by qualifying local exchange carriers to transmit
2 11 sounds or data shall not be included when determining the value
2 12 of a qualifying local exchange carrier's land, buildings,
2 13 structures, and improvements for purposes of this section.

2 14 EXPLANATION

2 15 This bill provides that property of certain local exchange
2 16 carriers shall be assessed for taxation as commercial property
2 17 by local assessors. The bill defines "qualifying local
2 18 exchange carriers" as telecommunications companies that provide
2 19 local exchange service and have less than 50,000 customer
2 20 access lines in Iowa.

2 21 The assessment provisions of Code section 433.4
2 22 currently provide that in ascertaining the actual value of
2 23 telecommunications company property, including local exchange
2 24 carrier property, the director of revenue shall include
2 25 all property of every kind and character whatsoever, real,
2 26 personal, or mixed, used by the company in the transaction of
2 27 telegraph and telephone business.

2 28 The bill provides that for assessments issued on and
2 29 after January 1, 2012, the land, buildings, structures, and
2 30 improvements of qualifying local exchange carriers shall be
2 31 assessed as commercial property pursuant to Code chapters
2 32 427, 427A, 427B, 428, and 441 by the local assessor. The
2 33 bill provides that all reporting and appeal procedures for
2 34 qualifying local exchange carriers shall be determined pursuant
2 35 to those Code chapters.



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House File 653 - Introduced continued

3 1 The bill provides that telephone wires, fiber optic
3 2 cables, electronics, and similar items used by qualifying
3 3 local exchange carriers to transmit sounds or data shall
3 4 not be included when determining the value of a qualifying
3 5 local exchange carrier's land, buildings, structures, and
3 6 improvements.

LSB 2041HV (3) 84

rn/sc



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House File 654 - Introduced

HOUSE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO HF 211)

A BILL FOR

1 An Act related to moneys administered by the board of trustees
2 of a drainage or levee district.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1870HV (3) 84
da/sc



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House File 654 - Introduced continued

PAG LIN

1 1 Section 1. Section 468.528, Code 2011, is amended to read
1 2 as follows:
1 3 468.528 Disbursement of funds.
1 4 Drainage and levee taxes when so levied and collected shall
1 5 be kept by the treasurer of the county in a separate fund to
1 6 the credit of the district for which it is collected, ~~shall be~~
~~1 7 expended.~~ The county treasurer shall disburse the moneys in
1 8 the fund only upon the any of the following:
1 9 1. The orders of the board of trustees, signed by the
1 10 president of the board, upon which warrants shall be drawn by
1 11 the auditor upon the treasurer.
1 12 2. For drainage and levee districts with pumping stations,
1 13 by orders of the board of trustees directing the treasurer to
1 14 place all or any part of the moneys into a checking account
1 15 established by the board in a bank or credit union as defined
1 16 in section 12C.1.
1 17 a. The treasurer shall disburse the moneys only upon
1 18 resolution duly adopted by the board. The board shall not
1 19 expend moneys in the account for a purpose if the board could
1 20 not order the county treasurer to expend moneys from the
1 21 county's separate fund for that same purpose.
1 22 b. The board shall file with the county auditor an annual
1 23 financial statement that is accompanied by an unqualified
1 24 opinion based upon an audit of the account performed by
1 25 a certified public accountant licensed in this state.
1 26 Notwithstanding paragraph "a", the board shall pay the costs
1 27 associated with performing the audit out of the district's
1 28 moneys.
1 29 Sec. 2. Section 468.531, Code 2011, is amended to read as
1 30 follows:
1 31 468.531 Compensation ==== statements required.
1 32 The compensation of the trustees and the clerk of the board
1 33 is hereby fixed at ~~forty~~ an amount not to exceed two hundred
1 34 dollars per day each and necessary expenses, to be paid out
1 35 of the funds of the drainage or levee district for each day



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2 1 necessarily expended in the transaction of the business of the
2 2 district, but no one shall draw compensation for services as
2 3 trustee and as clerk at the same time. The board of trustees of
2 4 a district may by resolution establish for themselves and for
2 5 the clerk of the district a lower rate of pay than is fixed by
2 6 this section. They shall file with the auditor or auditors,
2 7 if more than one county, itemized, verified statements of
2 8 their time devoted to the business of the district and of the
2 9 expenses incurred.

2 10 EXPLANATION

2 11 GENERAL. This bill provides for the management of a drainage
2 12 or levee district by a three-member board of trustees elected
2 13 by landowners who are assessed taxes to pay for district
2 14 improvements (Code section 468.500).

2 15 CONTROL OF ASSESSED TAXES. Moneys levied and collected
2 16 in taxes are deposited in a special county drainage or levee
2 17 fund controlled by the county treasurer who is authorized to
2 18 invest such moneys and make disbursements to pay for district
2 19 expenses (e.g., repairs and improvements) as authorized by the
2 20 board (Code sections 468.54 and 468.528). The bill allows the
2 21 board of a district having a pumping station (Code chapter 468,
2 22 subch. II, pt. 5) to direct the county treasurer to deposit all
2 23 or any part of such moneys into a checking account established
2 24 in a financial institution for the board's use to manage the
2 25 district. The board must at its own expense employ a certified
2 26 public accountant to perform an annual audit of the account.

2 27 INCREASE IN COMPENSATION. The bill increases the amount
2 28 of compensation paid to a trustee or clerk of the board of
2 29 trustees from \$40 to an amount not to exceed \$200 per day (Code
2 30 section 468.531).

LSB 1870HV (3) 84
da/sc



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House File 655 - Introduced

HOUSE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO HF 300)
(SUCCESSOR TO HSB 56)

A BILL FOR

1 An Act relating to the assessment of certain subdivided real
2 property and including effective date and retroactive
3 applicability and other applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1901HZ (2) 84
md/sc



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House File 655 - Introduced continued

PAG LIN

1 1 Section 1. Section 405.1, Code 2011, is amended to read as
1 2 follows:
1 3 405.1 Housing development ==== tax status ==== limitation.
1 4 ~~1. The board of supervisors of a county with a population~~
~~1 5 of less than twenty thousand may adopt an ordinance providing~~
1 6 that property acquired and subdivided for development of
1 7 housing shall continue to be assessed for taxation in the
1 8 manner that it was prior to the acquisition for housing. Each
1 9 lot shall continue to be taxed in the manner it was prior
1 10 to its acquisition for housing until the lot is sold for
~~1 11 construction or occupancy of housing or five years from the~~
~~1 12 date of subdivision, whichever is shorter. Upon the sale or~~
~~1 13 the expiration of the five-year period, the property shall be~~
~~1 14 assessed for taxation as residential or commercial multifamily~~
~~1 15 property, whichever is applicable actually improved with a~~
1 16 residential structure.
1 17 2. The board of supervisors of a county with a population
~~1 18 of twenty thousand or more may adopt an ordinance providing~~
~~1 19 that property acquired and subdivided for development of~~
~~1 20 housing shall continue to be assessed for taxation in the~~
~~1 21 manner that it was prior to the acquisition for housing. Each~~
~~1 22 lot shall continue to be taxed in the manner it was prior~~
~~1 23 to its acquisition for housing until the lot is sold for~~
~~1 24 construction or occupancy of housing or three years from the~~
~~1 25 date of subdivision, whichever is shorter. Upon the sale or~~
~~1 26 the expiration of the three-year period, the property shall be~~
~~1 27 assessed for taxation as residential or commercial multifamily~~
~~1 28 property, whichever is applicable.~~
1 29 Sec. 2. Section 441.72, Code 2011, is amended to read as
1 30 follows:
1 31 441.72 Assessment of platted lots.
1 32 When a subdivision plat is recorded pursuant to chapter
1 33 354, the individual lots within the subdivision plat shall
1 34 not be assessed in excess of the total assessment of the
1 35 land as acreage or unimproved property ~~for three years after~~



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~~House File 655 - Introduced continued~~

~~2 1 the recording of the plat or until the lot is actually~~
~~2 2 improved with a permanent construction, whichever occurs first~~
~~2 3 structure. When an individual lot has been improved with a~~
~~2 4 permanent construction residential, industrial, or commercial~~
~~2 5 structure, the lot shall be assessed for taxation purposes as~~
~~2 6 provided in chapter 428 and this chapter. This section does~~
~~2 7 not apply to special assessment levies.~~

2 8 Sec. 3. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This
2 9 Act, being deemed of immediate importance, takes effect upon
2 10 enactment, applies to subdivision plats recorded on or after
2 11 January 1, 2004, and applies retroactively to assessment years
2 12 beginning on or after January 1, 2011.

2 13 EXPLANATION

2 14 Currently, a platted lot for which a subdivision plat has
2 15 been recorded will be assessed for property tax purposes as
2 16 acreage or unimproved property for three years or until the lot
2 17 is actually improved with permanent construction, whichever
2 18 occurs first. This bill removes the three-year time limit and
2 19 provides that a platted lot will be assessed as acreage or
2 20 unimproved property until the lot is actually improved with a
2 21 permanent residential, industrial, or commercial structure.

2 22 The bill also repeals a provision that allowed a county of
2 23 20,000 or more to adopt an ordinance providing for assessment
2 24 of subdivided lots acquired for development of housing in
2 25 the manner they were assessed prior to acquisition for three
2 26 years from the date of subdivision or until the lot is sold
2 27 for construction or occupancy of housing, whichever is sooner.
2 28 The bill also amends a similar provision that allowed counties
2 29 with a population of less than 20,000 to adopt the same
2 30 ordinance but with a five-year assessment period, by removing
2 31 the five-year time limit and the population limitation and
2 32 providing that such an ordinance may allow each lot to be taxed
2 33 in the manner it was prior to its acquisition until the lot is
2 34 actually improved with a residential structure.

2 35 The bill applies to subdivision plats recorded on or after



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- 3 1 January 1, 2004, and applies retroactively to assessment years
 - 3 2 beginning on or after January 1, 2011.
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md/sc



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House Resolution 32 - Introduced

PAG LIN

HOUSE RESOLUTION NO.

BY ABDUL-SAMAD

1 1 A Resolution celebrating the centennial of Trinity
1 2 United Methodist Church of Des Moines.
1 3 WHEREAS, for over a century Trinity United Methodist
1 4 Church has been a part of the Riverbend community of
1 5 Des Moines, acting as a witness for peace and social
1 6 justice and a haven for compassion, feeding both body
1 7 and soul of those in the community; and
1 8 WHEREAS, Trinity United has been a place of worship,
1 9 a place of Christian education, and a place where
1 10 diverse people are surrounded by a community of love
1 11 and are sent out into the world to put their faith into
1 12 action; and
1 13 WHEREAS, Trinity United embraces three ministries,
1 14 including the Trinity United Methodist Church, Las
1 15 Americas faith community, and children and family urban
1 16 ministries; and
1 17 WHEREAS, these three ministries offer a variety of
1 18 community programs, including a prison ministry and an
1 19 English-as-a-second-language program; and
1 20 WHEREAS, feeding both the body and soul is most
1 21 evident in the daily work of these ministries, where
1 22 every day some 300 people come through the doors,
1 23 some to learn English, some to attend a citizenship
1 24 class, and some to simply get a wholesome meal in these
1 25 hard times where the daily free supper which normally
1 26 serves around 120 persons now serves as many as 170
1 27 persons; and
1 28 WHEREAS, Trinity United Methodist Church can best be



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House Resolution 32 - Introduced continued

2 1 summed up in the words of one parishioner: "Trinity
2 2 continues to go out of its way to be a beacon and a
2 3 refuge [bringing]? hope to those without hope, joy
2 4 to the sorrowful [and] relief to the marginalized of
2 5 society"; NOW THEREFORE,
2 6 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
2 7 the House of Representatives honors the centennial of
2 8 Trinity United Methodist Church as it enters into its
2 9 second century of faith and service, and urges the
2 10 people of Des Moines to join the Trinity Centennial
2 11 Celebration, June 11 and 12, 2011, at the landmark
2 12 church, located at the corner of College and 8th
2 13 Streets in Des Moines.

LSB 2747HH (4) 84

jr/rj



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House Study Bill 224

HOUSE FILE

BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act establishing a tax relief fund and including effective
2 date and applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 2270YC (3) 84
md/jp



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House Study Bill 224 continued

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1 1 Section 1. Section 8.55, subsection 2, Code 2011, is amended
1 2 to read as follows:

1 3 2. a. The maximum balance of the fund is the amount equal
1 4 to two and one-half percent of the adjusted revenue estimate
1 5 for the fiscal year. If the amount of moneys in the Iowa
1 6 economic emergency fund is equal to the maximum balance, moneys
1 7 in excess of this amount shall be transferred to the ~~general~~
1 8 tax relief fund.

1 9 b. Notwithstanding paragraph "a", any moneys in excess of
1 10 the maximum balance in the economic emergency fund after the
1 11 distribution of the surplus in the general fund of the state
1 12 at the conclusion of each fiscal year shall not be transferred
1 13 to the ~~general tax relief~~ fund of the state but shall be
1 14 transferred to the senior living trust fund. The total amount
1 15 appropriated, reverted, or transferred, in the aggregate, under
1 16 this paragraph, section 8.57, subsection 2, and any other law
1 17 providing for an appropriation or reversion or transfer of an
1 18 appropriation to the credit of the senior living trust fund,
1 19 for all fiscal years beginning on or after July 1, 2004, shall
1 20 not exceed the amount specified in section 8.57, subsection 2,
1 21 paragraph "c".

1 22 Sec. 2. NEW SECTION. 8.57E Tax relief fund.

1 23 1. The tax relief fund is created. The fund shall be
1 24 separate from the general fund of the state and the balance
1 25 in the fund shall not be considered part of the balance of
1 26 the general fund of the state. The fund shall consist of
1 27 appropriations made to the fund and transfers of interest,
1 28 earnings, and moneys from other funds as provided by law. The
1 29 moneys credited to the fund are not subject to section 8.33 and
1 30 shall not be transferred, used, obligated, appropriated, or
1 31 otherwise encumbered except as provided in this section.

1 32 2. Moneys in the tax relief fund shall only be used in
1 33 accordance with enactments by the general assembly for purposes
1 34 of reducing taxes.

1 35 3. a. Moneys in the fund may be used for cash flow purposes



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2 1 during a fiscal year provided that any moneys so allocated are
2 2 returned to the fund by the end of that fiscal year.

2 3 b. Except as provided in section 8.58, the tax relief fund
2 4 shall be considered a special account for the purposes of
2 5 section 8.53 in determining the cash position of the general
2 6 fund of the state for the payment of state obligations.

2 7 4. Notwithstanding section 12C.7, subsection 2, interest
2 8 or earnings on moneys deposited in the tax relief fund shall
2 9 be credited to the fund.

2 10 Sec. 3. Section 8.58, Code 2011, is amended to read as
2 11 follows:

2 12 8.58 Exemption from automatic application.

2 13 1. To the extent that moneys appropriated under section
2 14 8.57 do not result in moneys being credited to the general
2 15 fund under section 8.55, subsection 2, moneys appropriated
2 16 under section 8.57 and moneys contained in the cash reserve
2 17 fund, rebuild Iowa infrastructure fund, environment first
2 18 fund, ~~and~~ Iowa economic emergency fund, and tax relief fund
2 19 shall not be considered in the application of any formula,
2 20 index, or other statutory triggering mechanism which would
2 21 affect appropriations, payments, or taxation rates, contrary
2 22 provisions of the Code notwithstanding.

2 23 2. To the extent that moneys appropriated under section
2 24 8.57 do not result in moneys being credited to the general fund
2 25 under section 8.55, subsection 2, moneys appropriated under
2 26 section 8.57 and moneys contained in the cash reserve fund,
2 27 rebuild Iowa infrastructure fund, environment first fund, ~~and~~
2 28 Iowa economic emergency fund, and tax relief fund shall not be
2 29 considered by an arbitrator or in negotiations under chapter
2 30 20.

2 31 Sec. 4. TAX RELIEF FUND ==== LEGISLATIVE INTENT. It is the
2 32 intent of the general assembly to enact appropriations from
2 33 the tax relief fund created by this Act pursuant to tax relief
2 34 legislation which shall be proposed by the standing committees
2 35 on ways and means of the senate and house of representatives.



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3 1 Sec. 5. EFFECTIVE DATE AND APPLICABILITY.

3 2 1. This Act, being deemed of immediate importance, takes
3 3 effect upon enactment.

3 4 2. The section of this Act amending section 8.55 by
3 5 providing for transfer of moneys from the Iowa economic
3 6 emergency fund to the tax relief fund instead of the general
3 7 fund of the state applies to transfers made from the Iowa
3 8 economic emergency fund after the effective date of this
3 9 division and the state general fund expenditure limitation
3 10 calculated for the fiscal year beginning July 1, 2011, shall
3 11 be adjusted accordingly.

3 12 EXPLANATION

3 13 This bill creates the tax relief fund in new Code section
3 14 8.57E. The fund consists of transfers from other funds as
3 15 provided in the bill and other appropriations made to the fund
3 16 and transfers of interest, earnings, and moneys from other
3 17 funds as provided by law. The fund is to be used to make
3 18 appropriations providing tax relief. Legislative intent is
3 19 provided to enact appropriations for purposes of tax relief
3 20 pursuant to recommendations made by the general assembly's
3 21 standing committees on ways and means.

3 22 Code section 8.55 is amended to provide that when the Iowa
3 23 economic emergency fund achieves its maximum balance the excess
3 24 funds are transferred to the tax relief fund instead of the
3 25 general fund of the state.

3 26 Code section 8.58, exempting the balances in existing
3 27 reserve funds from being considered in the application of any
3 28 formula, index, or other statutory triggering mechanism which
3 29 would affect appropriations, payments, or taxation rates, and
3 30 by an arbitrator or collective bargaining negotiation under
3 31 Code chapter 20, is amended by adding the new tax relief fund
3 32 to the list.

3 33 The bill takes effect upon enactment, applies to transfers
3 34 made from the Iowa economic emergency fund to the tax relief
3 35 fund instead of the general fund on or after the effective



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House Study Bill 224 continued

4 1 date, and requires the effect of such transfers to be reflected
4 2 by adjusting the state general fund expenditure limitation
4 3 calculated for fiscal year 2011=2012 accordingly.

LSB 2270YC (3) 84

md/jp



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House Study Bill 225

HOUSE FILE
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act relating to property assessment and property taxation by
2 creating a recreational class of property and specifying an
3 assessment limitation for recreational property.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2735HC (2) 84
md/sc



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House Study Bill 225 continued

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1 1 Section 1. Section 441.21, subsection 8, paragraph b, Code
1 2 2011, is amended to read as follows:
1 3 b. Notwithstanding paragraph "a", any construction or
1 4 installation of a solar energy system on property classified
1 5 as agricultural, residential, commercial, recreational, or
1 6 industrial property shall not increase the actual, assessed,
1 7 and taxable values of the property for five full assessment
1 8 years.
1 9 Sec. 2. Section 441.21, subsections 9 and 10, Code 2011, are
1 10 amended to read as follows:
1 11 9. Not later than November 1, 1979, and November 1 of
1 12 each subsequent year, the director shall certify to the
1 13 county auditor of each county the percentages of actual
1 14 value at which residential property, agricultural property,
1 15 commercial property, industrial property, recreational
1 16 property, and property valued by the department of revenue
1 17 pursuant to chapters 428, 433, 434, 437, and 438 in each
1 18 assessing jurisdiction in the county shall be assessed for
1 19 taxation. The county auditor shall proceed to determine the
1 20 assessed values of agricultural property, residential property,
1 21 commercial property, industrial property, recreational
1 22 property, and property valued by the department of revenue
1 23 pursuant to chapters 428, 433, 434, 437, and 438 by applying
1 24 such percentages to the current actual value of such property,
1 25 as reported to the county auditor by the assessor, and the
1 26 assessed values so determined shall be the taxable values of
1 27 such properties upon which the levy shall be made.
1 28 10. The percentage of actual value computed by the director
1 29 for agricultural property, residential property, commercial
1 30 property, industrial property, recreational property, and
1 31 property valued by the department of revenue pursuant to
1 32 chapters 428, 433, 434, 437, and 438 and used to determine
1 33 assessed values of those classes of property does not
1 34 constitute a rule as defined in section 17A.2, subsection 11.
1 35 Sec. 3. Section 441.21, Code 2011, is amended by adding the



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2 1 following new subsection:

2 2 NEW SUBSECTION. 13. a. (1) For valuations established
2 3 for the assessment year beginning January 1, 2012, property
2 4 described in this subsection shall be valued as a separate
2 5 class of property called recreational property and shall be
2 6 assessed at ninety percent of its actual value.

2 7 (2) For valuations established for the assessment year
2 8 beginning January 1, 2013, through valuations established for
2 9 the assessment year beginning January 1, 2015, recreational
2 10 property shall be valued as a separate class of property and
2 11 shall be assessed at a percentage of actual value equal to the
2 12 percentage of actual value that the recreational property was
2 13 assessed in the previous assessment year minus ten percentage
2 14 points.

2 15 (3) For valuations established for the assessment year
2 16 beginning January 1, 2016, and each assessment year thereafter,
2 17 recreational property shall be valued as a separate class of
2 18 property and shall be assessed at fifty percent of its actual
2 19 value.

2 20 b. Recreational property is subject to reassessment by the
2 21 assessor and is subject to the same equalization percentage
2 22 amount determined by the director of revenue pursuant to
2 23 section 441.49 as is ordered for commercial property.

2 24 c. For purposes of this subsection, "recreational property"
2 25 means a golf course, downhill skiing area, campground,
2 26 amusement park, or water theme park, if such property is
2 27 operated as a commercial enterprise and otherwise subject to
2 28 taxation.

2 29 EXPLANATION

2 30 This bill creates a new class of property, recreational
2 31 property, for purposes of property assessment and taxation,
2 32 beginning with valuations established on or after January 1,
2 33 2012. The bill describes recreational property as a golf
2 34 course, downhill skiing area, campground, amusement park, or
2 35 water theme park, all of which are operated as commercial



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3 1 enterprises and are otherwise subject to taxation.

3 2 The bill provides that recreational property shall be
3 3 assessed for taxation at 90 percent of its actual value for
3 4 the assessment year beginning January 1, 2012. For valuations
3 5 established for the assessment year beginning January 1,
3 6 2013, through valuations established for the assessment
3 7 year beginning January 1, 2015, recreational property shall
3 8 be assessed at a percentage of actual value equal to the
3 9 percentage of actual value that the recreational property was
3 10 assessed in the previous assessment year minus 10 percentage
3 11 points.

3 12 For valuations established for the assessment year beginning
3 13 January 1, 2016, and each assessment year thereafter,
3 14 recreational property shall be assessed at 50 percent of its
3 15 actual value.

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md/sc



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House Study Bill 226

HOUSE FILE
BY (PROPOSED COMMITTEE ON
GOVERNMENT OVERSIGHT
BILL BY CHAIRPERSON
HAGENOW)

A BILL FOR

1 An Act relating to membership in and membership dues paid to
2 organizations representing school boards, board members, and
3 administrators, and to the responsibilities and duties of
4 such organizations, and providing penalties and remedies.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2719YC (10) 84
kh/rj



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1 1 Section 1. Section 279.38, Code 2011, is amended by striking
1 2 the section and inserting in lieu thereof the following:
1 3 279.38 Membership in organizations ==== requirements.
1 4 1. As used in this section:
1 5 a. "Compensation" means the same as defined in section 8F.2,
1 6 subsection 2.
1 7 b. "Organization" means a local, state, regional, or
1 8 national organization which relates to the functions of
1 9 the board of directors of a school district or to the
1 10 administrators of a school district and to which the school
1 11 board pays monetary fees or annual dues in accordance with
1 12 subsection 2.
1 13 2. a. The board of directors of a school district, the
1 14 duly elected members of the school board, and designated
1 15 administrators of school districts may join and participate in
1 16 organizations, including but not limited to organizations such
1 17 as the Iowa association of school boards, the urban education
1 18 network, Iowa school finance information services, and the
1 19 school administrators of Iowa. The school board may pay out of
1 20 funds available to the school board reasonable monetary fees
1 21 or annual dues for membership of the school board, or a board
1 22 member or administrator, in such an organization. However, the
1 23 school board shall not pay monetary fees or annual dues to an
1 24 organization that is affiliated with or which derives revenue
1 25 or income from a for-profit subsidiary.
1 26 b. Each school board that pays monetary fees or annual
1 27 dues to an organization shall annually report to the local
1 28 community and to the department of education the amount paid
1 29 in annual dues to the organization and the amount of any dues,
1 30 fees, or assessments of any kind paid, and revenue or dividend
1 31 payments received, for services received from the organization,
1 32 and the products or services received due to membership in
1 33 the organization. The information shall be submitted to the
1 34 department electronically in the format specified by the
1 35 department.



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House Study Bill 226 continued

2 1 3. The financial condition and transactions of an
2 2 organization shall be audited in the same manner as school
2 3 corporations as provided in section 11.6. The organization
2 4 shall establish an audit committee to review the financial
2 5 condition and transactions of the organization and the report
2 6 of examination conducted in accordance with this subsection.
2 7 The auditor conducting an examination in accordance with this
2 8 subsection shall have full access to the audit committee
2 9 and to all of the organization's records, reports, audits,
2 10 tax reports, and all other documents and papers issued or
2 11 maintained by the organization.

2 12 4. An organization shall do all of the following:

2 13 a. Publish annually on its internet site, and in a report
2 14 submitted annually to the department of education, the standing
2 15 committees on government oversight, and the general assembly,
2 16 all of the following:

2 17 (1) A listing of the school districts and the moneys paid
2 18 by each school district.

2 19 (2) The total revenue the organization receives from each
2 20 school district resulting from the payment of monetary fees or
2 21 annual dues and the sale of products and services to the school
2 22 district by the organization.

2 23 (3) The total amount of moneys expended for reimbursement of
2 24 expenses incurred by and compensation paid to the ten highest
2 25 paid employees of the organization as evidenced by the tax
2 26 forms submitted by the organization to the internal revenue
2 27 service.

2 28 (4) An accounting of all moneys expended for reimbursement
2 29 of expenses incurred by and compensation paid to all
2 30 legislative representatives and lobbyists of the organization.

2 31 b. Submit to the general assembly and the standing committee
2 32 on government oversight copies of all reports the organization
2 33 provides to the United States department of education relating
2 34 to federal grants and grant amounts that the organization
2 35 administers or distributes to school districts.



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3 1 c. Provide education and training to the organization's
3 2 board members in the fiduciary duties and legal
3 3 responsibilities of members.
3 4 5. a. A person who serves as the head of an organization
3 5 or otherwise serves in a supervisory capacity within the
3 6 organization shall not require an employee of the organization
3 7 to inform the person that the employee made a disclosure of
3 8 information permitted by this subsection and shall not prohibit
3 9 an employee of the organization from disclosing any information
3 10 to a board member or to any public official, a law enforcement
3 11 agency, a state agency, the auditor of state or an auditor
3 12 conducting an examination of the organization in accordance
3 13 with section 11.6, the office of the attorney general, the
3 14 office of citizens' aide, or to a committee of the general
3 15 assembly if the employee reasonably believes the information
3 16 evidences a violation of law or rule, mismanagement, a gross
3 17 abuse of funds, an abuse of authority, or a substantial
3 18 and specific danger to public health or safety. However,
3 19 an employee may be required to inform the person that the
3 20 employee made a disclosure of information permitted by this
3 21 subsection if the employee represented that the disclosure was
3 22 the official position of the employee's immediate supervisor
3 23 or employer.
3 24 b. A person shall not discharge an employee from or take
3 25 or fail to take action regarding an employee's appointment or
3 26 proposed appointment to, promotion or proposed promotion to,
3 27 or any advantage in, a position administered by, or subject
3 28 to approval of, the person or the organization's governing
3 29 board as a reprisal for a failure by that employee to inform
3 30 the person that the employee made a disclosure of information
3 31 permitted by this subsection, or for a disclosure of any
3 32 information by that employee authorized under paragraph "a"
3 33 if the employee reasonably believes the information evidences
3 34 a violation of law or rule, mismanagement, a gross abuse of
3 35 funds, an abuse of authority, or a substantial and specific



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4 1 danger to public health or safety. However, an employee may
4 2 be required to inform the person that the employee made a
4 3 disclosure of information permitted by this subsection if the
4 4 employee represented that the disclosure was the official
4 5 position of the employee's immediate supervisor or employer.
4 6 c. Paragraphs "a" and "b" do not apply if the disclosure of
4 7 the information is prohibited by statute.
4 8 d. A person who violates paragraph "a" or "b" commits a
4 9 simple misdemeanor.
4 10 e. Paragraph "b" may be enforced through a civil action.
4 11 (1) A person who violates paragraph "b" is liable to
4 12 an aggrieved employee for affirmative relief including
4 13 reinstatement, with or without back pay, or any other equitable
4 14 relief the court deems appropriate, including attorney fees and
4 15 costs.
4 16 (2) When a person commits, is committing, or proposes to
4 17 commit an act in violation of paragraph "b", an injunction may
4 18 be granted through an action in district court to prohibit the
4 19 person from continuing such acts. The action for injunctive
4 20 relief may be brought by an aggrieved employee or the attorney
4 21 general.
4 22 f. A person shall not discharge an employee from or take
4 23 or fail to take action regarding an employee's appointment or
4 24 proposed appointment to, promotion or proposed promotion to,
4 25 or any advantage in, a position administered by, or subject
4 26 to approval of, the person or the organization's governing
4 27 board as a reprisal for the employee's declining to participate
4 28 in contributions or donations to charities or community
4 29 organizations.
4 30 g. The person and the organization's governing board
4 31 shall provide procedures for notifying the organization's
4 32 new employees of the provisions of this subsection and shall
4 33 periodically conduct promotional campaigns to provide similar
4 34 information to the organization's employees. The information
4 35 shall include the toll-free telephone number of the citizens'



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5 1 aide.

5 2 6. All meetings of the governing board of the organization
5 3 shall comply with the requirements of chapter 21 and all
5 4 records of the governing body and the organization shall be
5 5 maintained in accordance with chapter 22.

5 6 Sec. 2. REPEAL. Section 279.38A, Code 2011, is repealed.

5 7 EXPLANATION

5 8 This bill strikes Code section 279.38 and repeals Code
5 9 section 279.38A, but combines much of the language of these
5 10 two Code sections to modify the statutory requirements of
5 11 organizations to which school boards, school board members,
5 12 and school district administrators may join and pay monetary
5 13 fees or dues for membership. School boards, board members, and
5 14 school administrators may join and participate in local, state,
5 15 regional, and national organizations which directly relate
5 16 to the administrator or school board functions of the school
5 17 district. Such organizations include but are not limited to
5 18 the Iowa association of school boards, the urban education
5 19 network, Iowa school finance information services, and the
5 20 school administrators of Iowa.

5 21 The bill prohibits school boards from paying fees or dues
5 22 to an organization that is affiliated with or which derives
5 23 revenue or income from a for-profit subsidiary.

5 24 Each board that pays membership dues must annually report
5 25 the local community and to the department of education the
5 26 amount the board pays in annual dues to the organization and
5 27 the amount of any fees paid, and revenue or dividend payments
5 28 received, for services received from the organization, and
5 29 the products or services received due to membership in the
5 30 organization. The bill requires that the information be
5 31 submitted to the department electronically in the format
5 32 specified by the department.

5 33 The financial condition and transactions of the
5 34 organizations shall be audited in the same manner as school
5 35 districts. Under the bill, the organization must establish



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6 1 an audit committee to review the financial condition and
6 2 transactions of the organization and the audit report. The
6 3 auditor conducting the examination shall have full access to
6 4 the audit committee and to all of the organization's records,
6 5 reports, audits, tax reports, and all other documents and
6 6 papers issued or maintained by the organization.
6 7 Such organizations must publish annually, in a report
6 8 submitted annually to the department of education, the standing
6 9 committees on government oversight, and the general assembly,
6 10 a listing of the school districts and the dues paid by each
6 11 school district, the total revenue the organization receives
6 12 from each school district resulting from the payment of
6 13 membership fees and the sale of products and services to the
6 14 school district by the organization, the total amount of the
6 15 annual compensation and expenses paid to the organization's
6 16 10 highest paid employees, and an accounting of all moneys
6 17 expended for reimbursement of expenses and compensation paid to
6 18 legislative representatives and lobbyists of the organization.
6 19 Under the bill, the organization must also provide education
6 20 and training to its board members regarding their fiduciary
6 21 duties and legal responsibilities.
6 22 The bill prohibits the head of the organization from
6 23 requiring an employee to inform the person that the employee
6 24 disclosed information, and prohibits the person taking adverse
6 25 employment action against an employee of the organization
6 26 who discloses information about the organization to a board
6 27 member, any public official, a law enforcement agency, a state
6 28 agency, the auditor of state or an auditor conducting an
6 29 examination in accordance with Code section 11.6, the office
6 30 of the attorney general, the office of citizens' aide, or to a
6 31 committee of the general assembly if the employee reasonably
6 32 believes the information evidences a violation of law or rule,
6 33 mismanagement, a gross abuse of funds, an abuse of authority,
6 34 or a substantial or specific danger to public health or safety.
6 35 The provisions do not apply if the disclosure of information is



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House Study Bill 226 continued

7 1 prohibited by statute. A person who violates the prohibitions
7 2 commits a simple misdemeanor and may be liable to an aggrieved
7 3 employee for affirmative relief. The prohibition against
7 4 adverse action may be enforced through a civil action, and
7 5 the employee may bring an action for injunctive relief by
7 6 the district court. Adverse action against an employee for
7 7 declining to participate in contributions or donations is also
7 8 prohibited. The person and the organization must provide
7 9 employee notification procedures relating to these prohibitions
7 10 and remedies and must conduct related promotional campaigns.
7 11 The organization's governing boards meetings are subject to
7 12 Code chapter 21 and the governing board and the organization's
7 13 records must be maintained in compliance with Code chapter 22.
LSB 2719YC (10) 84
kh/rj



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Senate Amendment 3161

PAG LIN

1 1 Amend Senate File 492 as follows:
1 2 #1. Page 1, line 8, after <status.> by inserting
1 3 <Prior to removal of the ward from the ward's
1 4 residence, the ward's family shall have the opportunity
1 5 to participate in a family team decision=making meeting
1 6 to plan for services for the ward.>
1 7 #2. Page 1, line 16, after <status.> by inserting
1 8 <Prior to removal of the ward from the ward's
1 9 residence, the ward's family shall have the opportunity
1 10 to participate in a family team decision=making meeting
1 11 to plan for services for the ward.>
1 12 #3. By renumbering as necessary.

JACK HATCH
SF492.1732 (2) 84
rh/nh



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Senate Amendment 3162

PAG LIN

1 1 Amend Senate File 510 as follows:
1 2 #1. Page 1, line 14, by striking <7,942,930> and
1 3 inserting <7,792,930>
1 4 #2. Page 1, line 22, by striking <2,876,400> and
1 5 inserting <3,026,400>

DAVID JOHNSON
SF510.1853 (1) 84
jm/jp



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Senate Amendment 3163

PAG LIN

1 1 Amend Senate File 511 as follows:
1 2 #1. Page 3, after line 7 by inserting:
1 3 <____. It is the intent of the general assembly that
1 4 the offices of the clerks of the district court operate
1 5 in all 99 counties and be accessible to the public as
1 6 much as is reasonably possible in order to address the
1 7 relative needs of the citizens of each county.>
1 8 #2. By renumbering as necessary.

STEVE KETTERING
SF511.1830 (1) 84
jm/jp



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Senate Amendment 3164

PAG LIN

1 1 Amend House File 617, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 3, after line 23 by inserting:
1 4 <Sec. _____. Section 123.30, subsection 3, paragraph
1 5 e, Code 2011, is amended by adding the following new
1 6 subparagraph:
1 7 NEW SUBPARAGRAPH. (3) Notwithstanding any other
1 8 provision to the contrary, a class "E" liquor control
1 9 license shall not be issued to a premises at which
1 10 gasoline is sold, located within the corporate limits
1 11 of a city with a population of at least one hundred
1 12 fifty thousand, without the applicant having obtained
1 13 prior approval of the city council for conducting a
1 14 business with a class "E" liquor control license at the
1 15 location of the premises subject to the application.>

JACK HATCH
HF617.1876 (1) 84
rn/nh



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Senate Amendment 3165

PAG LIN

1 1 Amend Senate File 444 as follows:
1 2 #1. Page 6, line 9, after <period> by inserting <to
1 3 the total number of calendar days in the school period
1 4 until the date equivalent to the completion of sixty
1 5 percent of the calendar days in the school period>
1 6 #2. By renumbering as necessary.

HERMAN C. QUIRMBACH
SF444.1934 (1) 84
je/sc



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Senate Amendment 3166

PAG LIN

1 1 Amend House File 617, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 3, by striking lines 6 through 23.
1 4 #2. By striking page 3, line 32, through page 4,
1 5 line 32.
1 6 #3. By renumbering as necessary.

ROBERT M. HOGG

NANCY J. BOETTGER
HF617.1907 (3) 84
rn/nh



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Senate Amendment 3167

PAG LIN

1 1 Amend Senate File 192 as follows:
1 2 #1. Page 2, after line 8 by inserting:
1 3 <Sec. _____. Section 321G.7, Code 2011, is amended by
1 4 adding the following new subsection:
1 5 NEW SUBSECTION. 3. Notwithstanding subsection
1 6 2, any increase in revenue received on or after July
1 7 1, 2011, pursuant to this section as a result of fee
1 8 increases pursuant to this Act, shall not be used
1 9 for salaries or other administrative costs of the
1 10 department.>
1 11 #2. By renumbering as necessary.

DENNIS H. BLACK
SF192.1908 (1) 84
dea/nh



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Senate Amendment 3168

PAG LIN

1 1 Amend the amendment, S=3164, to House File 617,
1 2 as amended, passed, and reprinted by the House, as
1 3 follows:
1 4 #1. Page 1, by striking lines 10 through 13 and
1 5 inserting <gasoline is sold, without the applicant
1 6 having obtained prior approval of the city council, or
1 7 other applicable governing authority if the premises
1 8 are located outside the corporate limits of a city, for
1 9 conducting a>

SHAWN HAMERLINCK
S3164.1947 (3) 84
rn/nh



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Senate Amendment 3169

PAG LIN

- 1 1 Amend Senate File 293 as follows:
- 1 2 #1. Page 9, by striking lines 12 and 13.
- 1 3 #2. By renumbering as necessary.

MATT McCOY
SF293.1961 (2) 84
jr/nh



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Senate Amendment 3170

PAG LIN

1 1 Amend Senate File 427, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, before line 1 by inserting:
1 4 <Section 1. Section 99B.5A, subsection 1, paragraph
1 5 a, Code 2011, is amended to read as follows:
1 6 a. "Community festival" means a festival of no more
1 7 than ~~four~~ six consecutive days in length held by a
1 8 community group.>
1 9 #2. Page 1, after line 13 by inserting:
1 10 <Sec. ____ . EFFECTIVE UPON ENACTMENT. The following
1 11 provision of this Act, being deemed of immediate
1 12 importance, takes effect upon enactment:
1 13 1. The section of this Act amending section
1 14 99B.5A.>
1 15 #3. Title page, line 1, after <Act> by inserting
1 16 <relating to games of skill or chance, including>
1 17 #4. Title page, line 3, after <participants> by
1 18 inserting <, and including effective date provisions>
1 19 #5. By renumbering as necessary.
SF427.1902.H (1) 84
mb



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Senate Amendment 3171

PAG LIN

1 1 Amend Senate File 7, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, before line 1 by inserting:
1 4 <Section 1. Section 462A.2, subsection 24, Code
1 5 2011, is amended to read as follows:
1 6 24. "Operate" means to navigate or otherwise use
1 7 a vessel or motorboat. For the purposes of section
1 8 462A.12, subsection 2, sections 462A.14, 462A.14A,
1 9 462A.14B, 462A.14C, 462A.14D, and 462A.14E, and section
1 10 462A.23, subsection 2, paragraph "b", "operate", when
1 11 used in reference to a motorboat, means the motorboat
1 12 is powered by a motor which is running, and when used
1 13 in reference to a sailboat, means the sailboat is
1 14 either powered by a motor which is running, or has
1 15 sails hoisted and is not propelled by a motor, and is
1 16 under way.>
1 17 #2. Title page, line 1, by striking <providing for>
1 18 and inserting <relating to>
1 19 #3. By renumbering as necessary.
SF7.1914.H (3) 84
mb



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Senate File 513 - Introduced

SENATE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO SF 280)
(SUCCESSOR TO SSB
1017)

A BILL FOR

1 An Act relating to fees to fund programs to aid impaired
2 pharmacists, pharmacist=interns, and pharmacy technicians.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1290SZ (2) 84
jr/nh



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Senate File 513 - Introduced continued

PAG LIN

1 1 Section 1. Section 155A.39, subsection 8, Code 2011, is
1 2 amended to read as follows:

1 3 8. The board may add a surcharge of not more than ~~ten~~
~~1 4~~ fifteen percent of the applicable fee to a pharmacist license
1 5 fee, pharmacist license renewal fee, pharmacist=intern
1 6 registration fee, pharmacy technician registration fee, or
1 7 pharmacy technician registration renewal fee authorized under
1 8 this chapter to fund programs to aid impaired pharmacists,
1 9 pharmacist=interns, or pharmacy technicians.

1 10 EXPLANATION

1 11 This bill relates to the program established to aid impaired
1 12 pharmacists, pharmacist=interns, and pharmacy technicians.

1 13 The bill authorizes the board of pharmacy to increase
1 14 the percentage surcharge that may be imposed on license
1 15 and registration fees paid by the licensees and registrants
1 16 eligible for assistance under the impaired pharmacy
1 17 professionals and technicians program. The program provides
1 18 assistance to pharmacists, pharmacist=interns, and pharmacy
1 19 technicians who may be physically or mentally impaired.

LSB 1290SZ (2) 84

jrr/nh



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Senate Study Bill 1203

PAG LIN

SENATE RESOLUTION NO.

BY (PROPOSED COMMITTEE ON EDUCATION RESOLUTION BY
CHAIRPERSON QUIRMBACH)

1 1 A Resolution to recognize March 2011 as Iowa Arts
1 2 Education Month.
1 3 WHEREAS, arts education, which includes dance,
1 4 music, theater, and the visual arts, is an essential
1 5 part of basic education for all students, kindergarten
1 6 through grade 12, providing for balanced learning
1 7 and the development of the full potential of young
1 8 minds; and
1 9 WHEREAS, arts education contributes powerful
1 10 educational benefits, utilizing well-planned
1 11 instruction and activities in the arts through which
1 12 children develop initiative, creative ability,
1 13 self-expression, self-reflection, critical thinking
1 14 skills, discipline, a heightened appreciation of
1 15 beauty, and cross-cultural understanding; and
1 16 WHEREAS, experience in the arts develops insights
1 17 and abilities central to the experience of life, and
1 18 the arts are collectively one of the most important
1 19 repositories of culture; and
1 20 WHEREAS, arts education provides interdisciplinary
1 21 student learning in such essential skills as
1 22 collaboration and innovation, assisting students with
1 23 real-life situations and work readiness; and
1 24 WHEREAS, national leaders have acknowledged
1 25 the necessity of including arts experiences in all
1 26 students' education for the "whole child"; and
1 27 WHEREAS, March is officially recognized as National



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Senate Study Bill 1203 continued

2 1 Youth Art Month; NOW THEREFORE,
2 2 BE IT RESOLVED BY THE SENATE, That the Senate
2 3 recognizes March 2011 as Iowa Arts Education Month and
2 4 encourages the support of quality school arts programs
2 5 for the Iowa children and youth.
LSB 2742SC (3) 84
jr/rj